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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,311	03/02/2005	Melchor Daumal Castellon	001058-00023	3822
27557 7590 12/08/2009 BLANK ROME LLP WATERGATE 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
KELLY, CATHERINE A				
ART UNIT		PAPER NUMBER		
3634				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,311

Applicant(s)

DAUMAL CASTELLON, MELCHOR

Examiner

CATHERINE A. KELLY

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 11, and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2009 has been entered.

Specification

The disclosure is objected to because of the following informalities: the definitions of the points upon which the variables Y_1 , X_1 , X_2 , and H are based, first stated on page 3 lines 2-12 of the new marked up specification, are unclear. Are the two points of contact establishing the value of Y_1 the only points of contact between the slider and the track? Are they two of a set of points covering the whole length of the track covered by the slider? The term length (9) is unclear generally. The length of the door frame 2 appears to be defined by h . Is length (9) a part, such as the track for slider (4), and not a measurement? The point defining the right side of X_1 in the figure appears to be a line through fastening point (12) parallel to the length (9). Further, the phrase "the end of the track (6) secured to the door frame" is unclear as the drawings show the point defining the left end of X_2 being based on the line defining the points of contact for Y_1 and not the place where track (6) would be secured to the door frame (near belt line 13). The two points defining variable X_2 are both unclear as the left point has the same problems as the lower point of Y_1 and the right point does not actually

appear to be in the track at all in the figure and thus does not fit in the defined "points of contact of the slider (5) in the track (6)." The term H on page 3 line 11 is defined based on the lower edge (14) of the door (1), which is clear, however, numeral 14 is later defined as the "lower portion of door (1)" (see for example page 11 line 15), which is unclear. The phrase "lower edge" should be used throughout.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-8, 11, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the definitions of the variables first distance, third distance, and first height are unclear. For example, the first distance is defined as "between first and second points of contact of the slider of the second assembly measured on a line parallel to said track" in lines 5-7. Are the two points of contact the only points of contact between the slider and the track? Are they two of a set of points covering the whole length of the track covered by the slider? Further, the limitation "said first distance has a maximum value for generating a maximum resistive torque." Maximum based on what? Just a maximum value would be infinity.

In claim 2, the definition of fourth distance is unclear. What are the two points of contact? Any two points of contact between slider and track?

Allowable Subject Matter

Due to the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office, examiner is unable to give an opinion as to the allowability of the claims.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-8, 11, and 13 have been considered but are moot in view of the new ground(s) of rejection. Examiner appreciates applicant's efforts to correct the previously raised 112 issues and has tried to make the issued raised in the present action as clear as possible.

As the points defining the first distance, third distance, first height, and fourth distance are crucial to determining if the present invention contains patentable subject matter or if the prior art reads on the present invention and at present the points are not defined with sufficient clarity to allow for this determination, no art rejection will be given at the present time. Examiner urges applicant to call if applicant has any questions regarding the objections to the specification of 112 rejections stated above so issues can be resolved and prosecution advanced as rapidly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 9am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./
Examiner, Art Unit 3634

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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